

From: [Grantham, Nancy](#)
To: [Gray, David](#)
Subject: FW: Morning Energy: Grading Pruitt on his promises — Questions raised over Lola Zinke's role — Decision day for crucial Keystone XL permit
Date: Monday, November 20, 2017 6:09:03 AM

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: POLITICO Pro Energy [mailto:politicoemail@politicopro.com]
Sent: Monday, November 20, 2017 5:43 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Morning Energy: Grading Pruitt on his promises — Questions raised over Lola Zinke's role — Decision day for crucial Keystone XL permit

By Anthony Adragna | 11/20/2017 05:41 AM EDT

With help from Alex Guillén and Sara Stefanini

IS HE KEEPING HIS WORD? EPA Administrator Scott Pruitt came into office boasting of returning the agency to its mission of cleaning up the air, water and land, but Pro's Alex Guillén and Emily Holden [look at](#) what he's accomplished so far and how it stacks up to his ambitious rhetoric.

- **Tackling air pollution:** He's rolled back or delayed a host of air quality regulations from the Obama administration, but signed off on 378 actions related to state plans as of Sept. 25, compared with 213 during the same period under Obama. Some environmentalists worry those quick approvals suggest laxer plans that are inadequately protective.
- **Cleaning up Superfund sites:** Pruitt's taken action to develop a top 10 list of priority Superfund sites and issued task force recommendations designed to speed up cleanups, but critics say the actions are toothless and actually hurt other cleanup efforts.
- **Upgrading drinking water infrastructure:** He's identified the need to upgrade water infrastructure to avoid similar crises like Flint, Mich., but hasn't offered many details on how to pay for it.
- **Undoing Obama's climate agenda:** Pruitt's stuck to his vows to unravel Obama administration actions addressing climate change through steps like revoking the Clean Power Plan and promising to open up a debate on climate science.
- **Expanding outreach to states and businesses:** The former Oklahoma attorney general has conducted outreach to almost entirely to Republican-controlled states, while industry groups have given high marks to Pruitt's approach.

EPA's take: "We're only 10 months on the job and eight years from today, Americans will be impressed with how President Trump and Administrator Pruitt were able to protect the

environment and American jobs," agency spokesman Jahan Wilcox said.

LOLA ZINKE ROLE SCRUTINIZED: New [documents](#) show Interior Secretary Ryan Zinke's wife, Lola, used Interior staff time to coordinate some of her activities while traveling with her husband during jaunts that gave her access to high level politicians and GOP donors who could benefit her as a political operator in her own right, Pro's Ben Lefebvre [reports](#). "These emails show that the leadership at the Department of Interior treats basic ethical standards like an inconvenience," Western Values Project Executive Director Chris Saeger said.

In one instance, records show the secretary's wife helped decide the guest list for a Young America's Foundation town hall forum with her husband on April 17 at its Reagan Ranch in Santa Barbara. She sent a "list of people I have invited to the event" to two Interior staffers, according to a series of April 7 emails. Interior says she pays her own way when she accompanies her husband and that travel is cleared by ethics officials in advance. "DOI incurred no expenses due to Mrs. Zinke's presence" with the secretary, Interior spokeswoman Heather Swift said in an email Friday.

GOBBLE GOBBLE GOBBLE! IT'S THANKSGIVING WEEK! I'm your host Anthony Adragna, and DNV GL's Ethan Tremblay was first to identify John Marshall and Salmon P. Chase as our Supreme Court justices who once graced currency. For today: In what year did Congress pass a resolution formally setting Thanksgiving as the fourth Thursday of November? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and [@POLITICOPro](#).

PROGRAMMING NOTE: [Morning Energy](#) will not publish from Nov. 23-Nov. 26. Our next [Morning Energy](#) newsletter will publish on Nov. 27. Please continue to follow Pro Energy issues [here](#).

YOU GOTTA MAKE A DECISION: What once was a sleepy little panel in Nebraska today decides whether to allow the Keystone XL pipeline to follow the path that developer TransCanada has proposed in the latest battle over the pipeline that's become a national fight. The Nebraska Public Service Commission, consisting of four elected Republicans and one Democrat, will decide whether to grant a permit to 1,200-mile proposed pipeline that would carry up to 830,000 barrels of oil per day. It's the last regulatory hurdle for the project, which President Donald Trump has pushed to complete and which has galvanized mass protests from the environmental movement.

Commissioners have faced intense lobbying from the White House, environmental advocates, TransCanada lobbyists and their own state politicians ahead of the decision. One development they won't be taking into account, though, is the spill of 210,000 gallons of oil from the existing Keystone pipeline in Amherst, South Dakota last Thursday. Officials said Nebraska law bars the consideration of spills or pipeline safety in the decision-making process. TransCanada said in an update the spill is "under control and that there is no significant environmental impact observed or threat to public safety" but that it continued to send crews to the site. But green groups immediately seized upon the incident as an example of what they say are the safety and environmental risks of moving forward with Keystone XL.

Regardless of the decision, environmental and Native American groups say they will continue to fight the project's completion. They'll hold a press conference in Lower Brule, South Dakota and sign a treaty against Keystone XL after the commission meets in the

morning. "Nothing has changed at all in our defense of land, air and water of the Oceti Sakowin Lands," said Faith Spotted Eagle, a member of the Yankton Sioux Nation. "If anything, it has become more focused, stronger and more adamant after Standing Rock," referring to the protests of the Dakota Access pipeline. TransCanada, for its part, hasn't committed to building the controversial project yet, though it said earlier this month it was "[quite encouraged](#)" by industry interest in reserving space on Keystone XL. Oh, and the Associated Press [reports](#) the commission's decision is subject to legal challenges, setting up another potentially lengthy court battle.

Watch the meeting, which kicks off at 11 a.m. EST, online [here](#).

IT'S A WRAP FROM BONN: The White House left climate talks in Bonn, Germany feeling pretty good about its efforts and the international community seemed relieved by the constructive role career negotiators played in quieter diplomatic efforts to help write the rulebook for the Paris deal, Pro's Emily Holden [reports](#) from Germany. Most political leaders at the talks sought to highlight U.S. activity in the negotiating rooms rather than the provocative move to press the case for the fuels blamed for warming the Earth and boosting sea levels. "You couldn't have expected more," said German Environment Minister Barbara Hendricks. "It's diplomats who are working here, they act professionally."

White House energy adviser George David Banks said the U.S. had in fact been "indispensable in thwarting efforts by some countries to get a free pass" under the Paris agreement. The American negotiating team, he said, had "led across many issues, promoted U.S. national interests, and protected U.S. taxpayers and businesses."

Potential pitfalls ahead: The success of the Paris agreement, which built on cooperation between the U.S. and China in the run-up, was that it set up a system that gives flexibility to developing countries that lack the capacity to meet its goals, Todd Stern, the Obama administration's special envoy for climate change, told POLITICO Europe's Kalina Oroschakoff and Sara Stefanini on Friday. That marked a change from the "firewall" between rich and poor built into many years of climate negotiations and agreements. "In a world where somewhere between 60-65 percent of global emissions are coming from developing countries at this point — you can't have that," Stern said. Read their Q&A with Stern [here](#).

Meanwhile, an agreement to phase down emissions of hydrofluorocarbons, extremely potent greenhouse gases, will go into effect in 2019 after getting enough countries to ratify the deal on Friday, the New York Times [reports](#). That mark was hit when Sweden [became](#) the 20th country to ratify the Kigali amendment, which is expected to hold down climate change by 0.5° C [0.9° F] by 2100. The State Department still hasn't sent the treaty to the Senate for ratification, despite the entreaties of industry to do so.

INTERIM UTILITY HEAD NAMED IN PUERTO RICO: After Ricardo Ramos [resigned](#) his post as the head of Puerto Rico's utility Friday, its governing board named Justo González the interim chief, El Nuevo Día [reports](#). Ramos said his resignation "has nothing to do with any matter covered in the media," but described it as "very personal." And the island's government said it had begun searching for a permanent head of the utility "inside and outside Puerto Rico."

Quick check: More than two months after the hurricane, more than 50 percent of the island still lacks electricity. Stats [here](#).

WHAT'S THE VETTING CRITERIA? The Climate Solutions Caucus has added Reps. [Josh Gottheimer](#) and [Matt Gaetz](#) to its ranks, but it's the latter's inclusion that caught ME's attention. Gaetz introduced legislation [H.R. 861 \(115\)](#) abolishing the EPA earlier this year and [told a Florida newspaper](#) in 2016: "In our fervor to protect the environment, we lose sight of economic and scientific reality."

WATER, WATER EVERYWHERE: The Supreme Court will visit Water World on Jan. 8, when in its first arguments of the new year the court will hear arguments in two high-profile water cases. First up is *Texas v. New Mexico and Colorado*; this case is about Texas's allegations that New Mexico is sucking too much water out of the Rio Grande. These arguments aren't to settle the dispute, merely to determine [whether](#) the federal government can play a role in the proceedings. Next on the docket will be *Florida v. Georgia*, a fight over the use of water from the Apalachicola River. The case's "special master" recommended the justices dismiss the suit, as POLITICO Pro Florida's Bruce Ritchie [reported](#) last month.

HIS MIND SEEMS MADE UP: Trump seemed like his mind was pretty made up not to reverse an Obama-era ban on importing elephant hunting trophies from Zimbabwe and Zambia ([reversing course](#) on his administration's original decision last week) in a Sunday evening [tweet](#). "Big-game trophy decision will be announced next week but will be very hard pressed to change my mind that this horror show in any way helps conservation of Elephants or any other animal," he offered.

COAL ASH GETS ITS DAY IN COURT: The D.C. Circuit hears oral arguments today (at the unusual time of 2 p.m. so heads up) on EPA's 2015 coal ash regulation and Pro's Alex Guillén runs through in [Energy Regulation Watch](#) all of the twists and turns in recent months leading up to today's hearing. Judge Karen LeCraft Henderson, a George H.W. Bush appointee, and two Obama appointees, Judges Patricia Millett and Cornelia Pillard, will today consider hear arguments about whether to put the case on hold indefinitely at the Monday arguments, alongside the various legal and technical challenges. Remember EPA intends to reconsider various aspects of the regulation and Congress made a major change to the rule's enforcement mechanism last year.

Alex's take: "This sustained tug-of-war has made things a little hazy, and it's not clear where the court will land on all this. This suit has been pending for more than two years, and the court did not grant EPA the same indefinite delay it did on a cavalcade of other rules. But the judges could still decide to wipe their hands of it and avoid the headache of navigating their way to a ruling."

LEFT OUT: Not included in the White House's latest \$44 billion disaster recovery request was a \$12 billion Houston area coastal barrier project sought by Texas Gov. Greg Abbott, Pro's Esther Whieldon [reports](#). The so-called coastal spine project aims to protect communities and infrastructure from massive storm surges, but green groups want the federal government to finish an environmental review on the project before it moves forward.

ICYMI: Merchant power companies are afraid an exemption included in the Senate and House tax bills for regulated power utilities — but not them — would leave them at a disadvantage, Pro's Eric Wolff [reports](#). Both bills would exempt the regulated entities from the new cap on interest deductions for businesses at 30 percent of their adjusted income. "Since we compete with [regulated utilities], the tax provisions likely raise competitive issues which we will need to raise on the Hill," said John Shelk, CEO of the Electric Power Supply Association.

MAIL CALL! AIDING ZINKE'S CAUSE: Echoing Zinke's [own calls](#) from a couple weeks ago, 16 Senate Republicans released a letter Friday asking Majority Leader [Mitch McConnell](#) to prioritize four Interior nominees for confirmation. The chamber [confirmed](#) one of the four — Brenda Burman — on Thursday, but the senators still want action on the nominations of Susan Combs to be Interior's assistant secretary of policy management and budget, Joseph Balash to be assistant secretary for Land and Minerals Management and Ryan Nelson to be agency solicitor. "As you proceed in scheduling the next nominations to bring to the floor, we urge you to make these well-qualified nominees a top priority," the [letter](#), led by [Steve Daines](#), says.

Please, pretty please? Seven Senate Democrats are once again urging Trump to nominate a science adviser and fill other positions within Office of Science and Technology Policy. "Without adequate OSTP staffing, the country lacks key insights from those with deep experience in science and technology," the [letter](#), led by [Maggie Hassan](#), says.

Another RFS plea: Seven House Democrats asked Pruitt to reverse course in EPA's final renewable volume obligations regulation so it does "not unreasonably reduce advanced biofuels and cellulosic biofuel blending targets." Link [here](#).

Solar plea to Trump: Six solar finance firms are [asking](#) Trump to consider the broader ramifications of whether to slap steep tariffs on imported solar equipment would have on broader markets and industries. "Tariffs not only will substantially and negatively impact the U.S. solar sector and the 260,000-plus well paying manufacturer, supplier, developer and installer jobs it supports, but also seriously undermine the billion-dollar financial markets and companies, such as ours, that rely on the success of the domestic solar industry," they wrote.

TAKE A GLANCE! The Center for American Progress is out with [a report](#) identifying members of Congress hostile to national monuments and who sponsored bills targeting public lands access. There are 19 members, with a heavy presence of Alaskans and Utahns, called out specifically.

MOVER, SHAKER: Tom Simchak starts Nov. 28 at the National Governors Association's Environment, Energy, and Transportation Division. Simchak (an American) was previously an energy policy adviser at the British embassy.

QUICK HITS

— Former Murray maintenance chief sentenced to probation. [Charleston Gazette-Mail](#).

— Owners: Coal-Fired Power Plant Losing Money, May Be Closed. [AP](#).

— PFAS record may sink Trump EPA chemical safety nominee. [MLive](#).

— Pipeline opponents claim Enbridge skirted permit rules for storage yard. [Minneapolis Star Tribune](#).

— Norway Oil Bosses Insist End Isn't Nigh After \$35 Billion Shock. [Bloomberg](#).

— What Nevada can learn from its attempt (and failure) to deregulate the energy market in the 1990s. [Nevada Independent](#).

HAPPENING THIS WEEK

MONDAY

9:30 a.m. — "[Modernization of the North American Free Trade Agreement](#)," Senate Finance Committee field hearing, San Antonio Marriott Plaza Hotel, Cavalier Meeting Room, 555 S. Alamo Street, San Antonio, Texas

12:00 p.m. — "[The Carbon IRA: The Most Rad Idea You've Never Heard of For Shrinking Our Carbon Footprint](#)," U.S. Energy Association, 1300 Pennsylvania Avenue, NW, Suite 550

12:00 p.m. — "[Cities Research Seminar Series: Powering Cities in the Global South: How Energy Access for All Benefits the Economy and the Environment](#)," World Resources Institute, 10 G Street NE, Suite 800

1:00 p.m. — NRDC Experts Discuss Tax Bill and the Arctic in phone call, RSVP: ehyd@nrdc.org

TUESDAY

9:30 a.m. — The American Coal Ash Association holds its annual production and use news conference, National Press Club (Lisagor Room) - 529 14th Street NW

WEDNESDAY

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/newsletters/morning-energy/2017/11/grading-pruitt-on-his-promises-027892>

Stories from POLITICO Pro

TransCanada 'encouraged' by interest shown in KXL shipments [Back](#)

By Ben Lefebvre | 11/09/2017 12:39 PM EDT

TransCanada says it is "encouraged" by industry demand to reserve space on Keystone XL, but it hasn't yet committed to building the controversial project.

TransCanada received enough commitments to ship oil along the proposed 1,200-mile pipeline to make it profitable, but the company is still analyzing the conditions shippers requested, Paul Miller, TransCanada's president of liquids pipelines told a conference call. The company is targeting commitments to ship 500,000 barrels a day via 20-year contracts, he added.

"We're quite encouraged by the results," Miller said during the company's third-quarter earnings call. "I believe the conditions are manageable."

The company still needs the approval from Nebraska's Public Service Commission for the pipeline's proposed route through the state. That decision is expected later this month

"We still have a lot of work to do," Miller said. "We are still working through the bid

conditions, and that will take some time. It will take us some time to review the decision from the PSC."

Overall commitments to ship oil are "substantially similar" to what the company received when Keystone XL was first proposed nearly a decade ago, TransCanada said in its quarterly earnings report.

TransCanada had asked the Alberta government to reserve space on Keystone XL to help push the project forward, according to a Bloomberg [report](#).

To view online [click here](#).

[Back](#)

How the Bonn climate talks survived Trump [Back](#)

By Emily Holden | 11/17/2017 07:52 PM EDT

BONN, Germany — The White House goaded activists at the international climate talks by pushing coal and other fossil fuels. But behind closed doors, U.S. negotiators stuck to their Obama-era principles on the 2015 Paris deal — despite President Donald Trump's disavowal of the pact.

State Department negotiators at the U.N. conference that ended Saturday hewed to the United States' long-established positions on the details of how to carry out the Paris agreement. And that's the U.S. role that most foreign political leaders sought to highlight, despite the low expectations inspired by Trump's "America First" agenda and his dismissal of human-caused climate change as a hoax.

"You couldn't have expected more," said German Environment Minister Barbara Hendricks, who described the U.S. delegation as constructive and neutral. "Its diplomats who are working here, they act professionally."

White House energy adviser George David Banks portrayed the outcome in even more glowing terms, saying the U.S. had been "indispensable in thwarting efforts by some countries to get a free pass" under the Paris agreement.

The American negotiating team, Banks said, had "led across many issues, promoted U.S. national interests, and protected U.S. taxpayers and businesses."

Among the contentious issues that arose were efforts by poorer nations to allow them to use less arduous systems than wealthier countries to ensure they are measuring their greenhouse gas emissions. China had led that [push](#), which the European Union and U.S. have long opposed, though ultimately the issue was left largely unsettled.

Negotiations at the conference, which began Nov. 6, wrapped up Saturday morning after developing nations launched an 11th-hour campaign to require wealthier nations to outline in advance how much climate funding they will provide — a sticking point for countries like the U.S. that amend their budgets each year.

Although observers said the U.S. made no effort to disrupt the talks, former Obama administration climate diplomat Todd Stern said Washington was "not in the negotiations with the same credibility as before."

"It's not that the U.S. isn't there, but it's not the same," said Stern, who had led the U.S. negotiators in Paris nearly two years ago. "It's the EU, the U.K. ... New Zealand, Australia, Canada, Japan, etc. They don't weigh as much as the U.S. did, but they can be very important."

The State Department sent fewer than 20 staffers, a far smaller delegation than it has sent to other climate gatherings in recent years.

Some observers said a U.S.-sponsored panel discussion earlier this week that promoted coal, natural gas and nuclear power appeared designed to please Trump's political base and energy industry supporters in the U.S. At the event, which provoked a high-profile [protest](#), Banks told the audience that the U.S. would support "universal access" to affordable and reliable energy, which for many places in the world meant coal.

Andrew Light, who was part of Obama's delegation and is now a fellow at the World Resources Institute, said bringing that pro-fossil fuel event to the climate talks showed that the U.S. can remain a party to the international talks without substantively changing its positions.

"This administration can continue telegraphing its core beliefs, whether or not anyone one believes that with them," Light said. "In the long run there's everything to be gained from an environment where the United States does cooperate with other parties on whatever they want to cooperate on."

Other U.S. representatives, from companies to a group Democratic governors and mayors led by California Gov. Jerry Brown, sought to reassure the world that many in the U.S. still want to take action to ratchet down carbon pollution, even without Trump. Microsoft Corp. announced own its goal to slash carbon emissions 75 percent by 2030 and pitched sustainable technology, including for agriculture and land-cover mapping, in meetings it held with foreign governments.

But the talks on carrying out the Paris agreement will face major hurdles before the next major gathering next year in Poland. Countries will also face a deadline to finish deciding how they achieve the deal's goal of keeping global warming to below 2 degrees Celsius, the mark that scientists warn would cause irreversible damage.

"Parties haven't allowed the threatened U.S. withdrawal to derail this process," said Elliot Diringer, a former Clinton administration adviser who is executive vice president for the Center for Climate and Energy Solutions. "They've made good progress and set themselves up for a more focused negotiation next year. At the same time, the talks here have underscored the significant political challenges ahead next year."

But Tosi Mpanu-Mpanu, the lead climate change specialist for the environment ministry in the Democratic Republic of the Congo, said many major issues were pushed until next year. "I have a feeling that people were a little bit complacent," he said, disappointed in what he called a "self-fulfilling prophecy" that countries wouldn't make much progress this year.

Environmental advocates insisted they still aren't seeing the emissions reductions or money necessary to achieve the goals of the Paris deal.

"The conference gets a grade of 'meets expectations,'" said Andrew Deutz, director of international governmental relations for The Nature Conservancy.

Deutz said that while the U.S. didn't blow up the process, "the absence of national U.S. leadership was evident within the negotiating process this week and for driving more ambitious climate action in the future."

Island nations that face the most immediate threats from climate change and sea-level rise pressed their case throughout the two weeks. Allen Chastanet, the prime minister of Saint Lucia, told reporters that island nations are "paralyzed," because they can't stop rising temperatures alone.

Hurricane Maria demolished Barbuda and brought heavy damage to Puerto Rico, after passing just 40 miles from Saint Lucia.

"I have to say to you deep down inside of me I'm angry, I'm anxious and I'm fearful," he told a news conference. "It can't be that a prime minister's only resource is to get on the side of your bed on your knees and pray, and that's what I feel every time I'm here and a hurricane is developing over the Atlantic, is 'Lord, please take care of our people.'"

Kalina Oroschakoff and Sara Stefanini contributed to this report.

To view online [click here](#).

[Back](#)

Q&A with former U.S. climate envoy Todd Stern [Back](#)

By Kalina Oroschakoff and Sara Stefanini | 11/19/2017 02:12 PM EDT

BONN, Germany — The United States traditionally pushed hard during international climate talks to ensure that both developed and developing countries shoulder the burden of dealing with global warming.

But a weakened U.S. delegation played a much more marginal role at the COP23 summit that wrapped up Friday, thanks to the Trump administration's decision to pull out of the Paris agreement.

That helped lead to the resurgence in Bonn of the idea of "differentiation," under which poorer countries do less, arguing that the rich ones caused the problem of climate change thanks to more than a century of industrialization.

Without U.S. support, the rest of the developed world is having a tougher time arguing back.

Todd Stern, the U.S. special envoy for climate change from 2009 to April 2016, spoke to POLITICO on the sidelines of the summit about what a lower-profile America means for climate talks.

This summit was meant to make progress on rules that are due at the 2018 meeting in Poland. What will be at stake at the COP24?

It's the place where all these various guidelines get done. It might be boring for readers, but it's actually really important.

Setting up a transparent monitoring system for national emissions is critical to tracking progress toward the Paris agreement's goals. Why are the discussions on the topic so tough?

One of the important sentences that we actually negotiated with China talks about essentially setting up a system where there will be flexibility provided to those developing countries who need it on basis of capacity. If you instead take that flexibility and say, OK, it applies to all developing countries, then you are kind of de facto getting back to a bifurcated system. The U.S. was always the loudest, strongest voice in pushing that back.

And now?

There were many, many countries supporting us, but that was something we cared about a lot, both for substantial reasons and political reasons. The U.S. is not in the negotiations with the same credibility as before. The EU, the U.K., the Umbrella Group countries — New Zealand, Australia, Canada, Japan, etc. — they don't weigh as much as the U.S. did, but they can be very important. There's no reason this should get messed up, but there are a bunch of countries who would like it to get messed up.

The Paris agreement helped bury the idea of differentiating responsibilities for the developing and developed sides, but the idea made a comeback in Bonn. What's behind that?

The DNA of these negotiations was [this separation](#), this firewall. It's built into the Kyoto Protocol, and it's been an article of faith for all these years for developing countries, which in the period of time from Copenhagen [in 2009] to Paris, bit by bit, got pushed back and turned into something that was absolutely still a form of differentiation but not that sharp division. It's not that countries are trying to just throw grenades. They want to go back to that more comfortable system where they're not expected to do much.

And that's a problem?

In a world where somewhere between 60 percent and 65 percent of global emissions are coming from developing countries at this point, you can't have that. We shouldn't be fighting this battle all over again. We're going to have to fight it a little bit because people are pushing. We just need to have these guidelines, implementing measures, to be faithful to what happened in Paris.

What role did coal play at this conference? A White House [coal event](#), for instance, provoked public protest in the conference halls.

I think the U.S. did a kind of stunt with that. It was designed to provoke the kind of reaction it got, I suppose. Coal continues to be a difficult political issue in Germany. It's a difficult political [issue in the U.S.], but it was a difficult issue before the election. There are not very many coal miners in either country, but there's a lot of this political attachment to that world and the symbolism of it.

Several developing countries pushed hard for a greater focus on climate efforts up to

2020. Why?

Pre-2020 is a hobby horse that a number of countries have been riding for several years now. One thing we know for sure is that issue is going to fade away before too long because it will become 2020. Obviously, what countries are doing now matters, but most countries, and this is all about developed countries, are doing what they pledged to do after Copenhagen. They have legislation, regulation, all of that. At least an element of this, I think, is a tactical way of trying to put developed countries on the defensive again. Pre-2020 is still seen as a period where the capacity to say you're the ones who are supposed to be acting is greater than post-2020.

Again, I think there's a certain amount of political theater going on.

This interview was edited for clarity and length.

This article first appeared on [POLITICO.EU](#) on Nov. 19, 2017.

To view online [click here](#).

[Back](#)

Reports: PREPA chief resigns [Back](#)

By Esther Whieldon | 11/17/2017 01:53 PM EDT

The head of the Puerto Rico Electric Power Authority has resigned from the utility following extended power outages on the island in the aftermath of Hurricane Maria, according to [news reports](#).

PREPA Director Ricardo Ramos had come under fire for signing a \$300 million contract with Whitefish Energy to restore the power grid that was destroyed by the storm. That contract with Whitefish Energy, which had only two employees when the storm hit Puerto Rico, has come under scrutiny in Congress.

The resignation will take effect today. Neither PREPA nor the governor's office were immediately available for comment.

The FBI and the House Natural Resources Committee are probing PREPA's \$300 million contract with Whitefish Energy, which had two employees when it won the no-bid contract to rebuild Puerto Rico's electric grid after the territory suffered a direct hit from Hurricane Maria in September.

To view online [click here](#).

[Back](#)

Supreme Court to settle federal role in Texas-New Mexico water dispute [Back](#)

By Alex Guillén | 10/10/2017 11:38 AM EDT

The Supreme Court today [said](#) it will hear oral arguments about federal involvement in a long-running water dispute between Texas, New Mexico and Colorado.

The case involves allegations from Texas that irrigators in New Mexico are sucking up water from the Rio Grande that should flow downstream under a 1938 compact. The federal government intervened as an interested party, arguing that New Mexico's actions affect its obligation to deliver Rio Grande water to Mexico, and it is seeking a court order prohibiting New Mexico from continuing the water use.

The case's special master, New Orleans attorney Gregory Grimsal — a lawyer picked by the justices to hear the case — [recommended](#) earlier this year that the Supreme Court reject parts of the U.S.' claims that apply under the compact.

The federal government objected, [arguing](#) that it can bring claims under the compact even though it is not a member because it is a "third-party beneficiary." Meanwhile, Colorado [argued](#) that the U.S. claims should be limited to those brought under the 1906 Boundary Waters Convention between the U.S. and Mexico.

Grimsal did recommend the justices hear certain claims brought by the U.S. under federal reclamation laws.

The justices agreed to weigh only the issues determining what the federal government can contest, focusing on the "threshold" issue of the federal government's role in the case, not the underlying water use dispute, which likely will take several more years to resolve.

WHAT'S NEXT: Arguments likely will occur this winter, with a decision coming in the spring.

To view online [click here](#).

[Back](#)

POLITICO Pro Florida: U.S. Supreme Court sets arguments in Florida v. Georgia water lawsuit [Back](#)

By Bruce Ritchie | 10/10/2017 11:47 AM EDT

The U.S. Supreme Court today said it is setting oral arguments in Florida's lawsuit against Georgia over the use of water from the Apalachicola River.

That means the court isn't inclined to act quickly on a special master's recommendation to dismiss the case.

Florida Gov. Rick Scott, in 2013, sued Georgia in the Supreme Court seeking a cap on Georgia's use of water from the Chattahoochee and Flint rivers, following the collapse of the Apalachicola Bay oyster population.

After a six-week hearing in the fall of 2016, court special master Ralph Lancaster last February [recommended dismissal](#) because Florida had not included the U.S. Army Corps of Engineers in the lawsuit, which operates federal hydropower dams on the Chattahoochee

River.

Even if water use by Georgia cities and farms was capped, there was no guarantee the Corps of Engineers would provide more water to Florida, Lancaster wrote.

But the court allowed the states to file exceptions in the case and other interested parties to file briefs.

In disputing Lancaster's recommendation, [Florida told](#) the Supreme Court that it represents the state's last legal remedy for saving the Apalachicola River and the oysters and people who depend on it.

But [Georgia argued](#) that Lancaster got it right and that Florida failed to show how potentially "catastrophic" cuts in water use would benefit the downstream state.

A timetable for hearings was not set by the court today.

View the Supreme Court's Oct. 10 [list of orders here](#).

This article first appeared on [POLITICO Pro Florida](#) on Oct. 10, 2017.

To view online [click here](#).

[Back](#)

Trump reverses hunting trophy decision, says he will review [Back](#)

By Akela Lacy | 11/17/2017 08:42 PM EDT

President Donald Trump on Friday reversed his own administration's decision to allow hunters to import elephant hunting trophies from two African countries, saying he will perform a review before making changes.

Earlier this week, the Fish and Wildlife Service announced it would allow imports of wildlife trophies, including elephants, from Zimbabwe and Zambia. The move sparked immediate outcry from conservation groups and even some of President Trump's most staunch supporters.

"Put big game trophy decision on hold until such time as I review all conservation facts," Trump tweeted Friday night. "Under study for years. Will update soon with Secretary Zinke. Thank you!"

After Trump's tweet, Interior Secretary Ryan Zinke released a statement confirming the decision.

"President Trump and I have talked and both believe that conservation and healthy herds are critical. As a result, in a manner compliant with all applicable laws, rules, and regulations, the issuing of permits is being put on hold as the decision is being reversed," the statement from Zinke reads.

Early Saturday, Trump retweeted prominent media figures who'd expressed their support for the policy reversal.

The original announcement made late Wednesday at the African Wildlife Consultative Forum in Tanzania received immediate backlash from conservationists and wildlife supporters, including groups like the Natural Resources Defense Council and Conservation International.

Fox News host Laura Ingraham, a vocal supporter of the president, also tweeted her opposition to the measure. "I don't understand how this move by @realDonaldTrump Admin will not INCREASE the gruesome poaching of elephants. Stay tuned," Ingraham tweeted Thursday.

The National Rifle Association's Institute for Legislative Action had applauded the move.

The decision, pending further review, would have reversed an Obama-era 2014 [decision](#) to ban all imports of elephant trophies from Zimbabwe and Zambia.

Put big game trophy decision on hold until such time as I review all conservation facts. Under study for years. Will update soon with Secretary Zinke. Thank you!

— Donald J. Trump (@realDonaldTrump) [November 18, 2017](#)

Environmental groups applauded Trump's decision to review the policy change.

"It's great that public outrage has forced Trump to reconsider this despicable decision, but it takes more than a tweet to stop trophy hunters from slaughtering elephants and lions," said Tanya Sanerib, senior attorney with the Center for Biological Diversity, in response to Trump's apparent change of heart. "We need immediate federal action to reverse these policies and protect these amazing animals."

A spokesperson for the Center for Biological Diversity also noted that the Fish and Wildlife Service already began issuing permits to import trophies from lion hunting. That began over a month ago, according to [ABC News](#).

During a press briefing Friday, White House press secretary Sarah Huckabee Sanders said the decision to reverse the ban came after a review that showed the original criteria for establishing it — insufficient data from Zimbabwe and Zambia on whether or not they were effectively managing wildlife — indicated that "both Zambia and Zimbabwe had met new standards, strict international conservation standards that allowed Americans to resume hunting in those countries."

Sanders added that "a ban on importing elephant ivory from all countries remains in place," emphasizing that the process of the review of the ban's criteria started under the Obama administration, which Trump also noted in his tweet.

The White House did not immediately reply to a request for comment.

To view online [click here](#).

[Back](#)

Texas coastal spine left out of Trump disaster recovery request [Back](#)

By Esther Whieldon | 11/17/2017 05:39 PM EDT

The White House's latest request for congressional disaster recovery funding does not include a \$12 billion Houston area coastal barrier project sought by Texas Gov. Greg Abbott, handing a win to green groups that want the federal government to finish an environmental review on the project before it moves forward.

The White House on Friday asked lawmakers to approve \$44 billion in additional funding to aid storm-ravaged areas in Texas, Puerto Rico, the U.S. Virgin Islands and Florida, including \$12 billion for a flood mitigation program run by the Community Development Block Grant.

But the coastal barrier project that was part of Abbott's \$61 billion storm recovery funding request in late October would not qualify for that program under the rules set by the White House because it would not address the damage caused by Hurricane Harvey in August. Instead the state's so-called coastal spine project aims to protect communities and infrastructure from the kind of storm surges last seen during Hurricane Ike in 2008 that caused about \$30 billion in damages.

One of a few possible designs for the proposed coastal spine would extend a 10-mile seawall at Galveston Bay by another 50 miles and include massive floodgates that could be closed ahead of a storm to block the surges of water from pummeling the coastline.

Environmental advocates say they are not opposed to the project that's designed to protect coastal communities, critical marine and avian habitat, the Port of Houston, the Houston Ship Channel and oil refining and processing plants that are all vital to the state's economy and could create an environmental disaster if damaged.

But they say its not yet clear how a new barrier would affect the flow of water, and whether it could hurt marine and other ecosystems.

"We don't know what that would do to the ecology of the bay or to the shoreline there," said Amanda Fuller, National Wildlife Federation deputy director of Gulf of Mexico Restoration. "It's just a bunch of unknowns at this point."

The Army Corps of Engineers is performing a five-year study it expects to complete in 2021 on design options for the coastal spine that would avoid harming the marine and avian ecosystem of the Galveston Bay area that serves as a nursery for marine creatures before they mature and move into the Gulf of Mexico.

Bob Stokes, president of the Galveston Bay Foundation, which focuses on wetland preservation and restoration, said the project could be funded in the future through federal appropriations and he continues to "firmly believe that [the study] process is necessary before we fund the coastal spine."

Senate Majority Whip [John Cornyn](#) of Texas — who has [placed a hold](#) on President Donald Trump's nomination of Russell Vought to be deputy director of OMB until the Texas funding comes though — has called the president's latest recovery request "wholly inadequate."

Abbott's office did not respond to requests for comment.

To view online [click here](#).

[Back](#)

Independent power sector worried by tax carve-out for regulated utilities [Back](#)

By Eric Wolff | 11/17/2017 05:23 PM EDT

A tax carve-out for regulated power utilities included in both the House and Senate tax bills doesn't apply to merchant power companies, which fear the provision could put them at a competitive disadvantage.

Both the Senate bill that advanced out of committee and the bill passed by the House Thursday would cap interest deductions for businesses at 30 percent of their adjusted income. That would serve to offset "bonus depreciation" that the two bills include that allow businesses to deduct the full cost of capital investments from their taxes.

But regulated utilities convinced congressional tax writers to insert an exemption in the bills for them — but didn't provide the same exemption for the merchant power companies or subsidiaries of regulated companies that sell power into the competitive wholesale markets.

"Since we compete with [regulated utilities], the tax provisions likely raise competitive issues which we will need to raise on the Hill," John Schelk, CEO of the Electric Power Supply Association, a trade association which represents the owners of merchant plants. "Needless to say, our argument will be we should get equal treatment."

Winning the exception to the interest deduction has been a high priority for all power providers, since building power plants requires huge capital expenditures, and the debt required to finance them extends for decades. Regulated utilities' expenses are covered by payments from ratepayers, and they prefer using straight-line depreciation that stretches over years for their assets rather than the bonus depreciation. That bonus depreciation can threaten their rate base, since state regulators often view the quicker depreciation as a tax benefit that must be returned to ratepayers.

But independent power producers, which include market-only power plant owners as well as divisions of companies like Dynegy, NRG Energy and FirstEnergy that run competitive power plants don't get that benefit — and they want it. Companies that own merchant power plants tend to have a lot of debt from past investments, but they aren't building many new plants.

"For them, expensing the capital is not a big deal right now, so it doesn't help them," said Toby Shea, an analyst with Moody's. "But the interest expense, which they have a lot of, would help them a lot."

And while regulated utilities and unregulated utilities do not generally compete inside markets like PJM or Texas, there are exceptions. For example, Schelk points out that power plants run by regulated utilities in South Carolina and North Carolina that sometimes sell power into PJM's market would be able to offer lower prices thanks to their exemption.

"Good example is right here in Virginia," Schelk said. "Virginia is in the PJM regional market, but Dominion has rate-based generation while there are also merchant generation IPP plants in [the state]. They compete to be dispatched in PJM and also compete for procurement of new projects."

Other analysts were skeptical that the bill as written would create a big problem for independent power providers. Christi Tezak, managing director for ClearView Energy Partners, said that if competitive arms of holding companies are treated the same as independent power producers, then it's hard to see how either has an advantage in markets.

But, utilities could win a change to the bill in conference or on the Senate floor that would expand the carve out to their competitive divisions.

"If [utility holding companies] get it and IPPs don't then there would be a competitive issue vis-à-vis the two different owners.," she said.

To view online [click here.](#)

[Back](#)

Zinke demands 'immediate action' on 4 Interior nominees [Back](#)

By Anthony Adragna | 11/08/2017 10:59 AM EDT

Interior Secretary Ryan Zinke sent [a letter](#) to Senate leadership demanding "immediate action" on four agency nominees, some of whom have waited four times as long as their predecessors for a vote.

"Several of our nominees for leadership positions have been waiting an exorbitant amount of time to be confirmed in the Senate," he wrote in the letter obtained today. "These delays are hampering DOI's ability to do the work of the people we are all supposed to be serving."

He called for the chamber to immediately process the nominations of Brenda Burman to lead Interior's Bureau of Reclamation, Susan Combs to be Interior's assistant secretary of policy management and budget, Joseph Balash to be assistant secretary for Land and Minerals Management and Ryan Nelson to be agency solicitor.

Zinke bashed senators for working "behind the guise of the cloakroom, putting random and unknown holds on these nominations," a practice he called "senseless and unexplainable."

To view online [click here.](#)

[Back](#)

Senate confirms Burman to lead Bureau of Reclamation [Back](#)

By Anthony Adragna | 11/16/2017 06:11 PM EDT

The Senate cleared Brenda Burman's nomination to run the Bureau of Reclamation by voice vote on Thursday.

"FINALLY! Excited to finally have Brenda Burman confirmed to lead @usbr," Secretary Ryan Zinke [tweeted](#) in response.

Burman's nomination to lead the nation's wholesale water and hydroelectric power provider got caught up in the battle over Zinke's national monument designation review.

Senate Minority Whip [Dick Durbin](#) placed a hold on her nomination until he landed a meeting with Zinke to discuss the review and [lifted it](#) after that meeting took place earlier this week.

WHAT'S NEXT: Burman will assume her position running the Bureau of Reclamation.

To view online [click here](#).

[Back](#)

Was this Pro content helpful? Tell us what you think in one click.

☐
[Yes, very](#)

☐
[Somewhat](#)

☐
[Neutral](#)

☐
[Not really](#)

☐
[Not at all](#)

You received this POLITICO Pro content because your customized settings include: Morning Energy. To change your alert settings, please go to <https://www.politicopro.com/settings>

This email was sent to grantham.nancy@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

|

|